

AMENDMENTS TO THE DRAWINGS

The attached sheet(s) of drawings includes changes to Fig. 7.

Attachment: Replacement sheet
 Annotated sheet showing changes

REMARKS

Applicants amend claim 1 and add new claim 5. No new matter is added. Support for the claim amendment can be found at Fig. 2, Page 10, lines 1-15, and Page 14, lines 1-24. Upon entry of this amendment, claims 1-5 are pending, of which claim 1 is independent. Applicants respectfully submit that the pending claims define over the art of record.

Supplemental Information Disclosure Statement

Applicants submit herewith a supplemental Information Disclosure Statement for consideration by the Examiner. Applicants respectfully submit that the pending claims define over the prior art in the supplemental Information Disclosure Statement.

Objection to the Drawings

The Examiner objects to the drawing due to minor informalities. Applicants amend the drawings to address the Examiner's concern. Applicants respectfully request that the Examiner reconsider and withdraw the objection to the drawings.

Objection to the Specification

The Examiner objects to the specification due to minor informalities. Applicants amend the specification to address the Examiner's concern. Applicants respectfully request that the Examiner reconsider and withdraw the objection to the specification.

Claim Rejection Under 35 U.S.C. §112

Claim 1 is rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Applicants amend claim 1 to clarify that a seal member is interposed between the outer marginal region and the first metal separator. Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claim 1 under 35 U.S.C. §112.

Claim Rejection Under 35 U.S.C. §103

Claims 1-4 are rejected under 35 U.S.C. §103(a) as being unpatentable over United States Patent Application Publication No. 2001/0051294 to Inoue et al. (hereafter "Inoue") in view of United States Patent Application Publication No. 2002/0119358 to Rock (hereafter

“Rock”). Applicants respectfully submit that the combination of the Inoue reference and the Rock reference do not teach or suggest the limitation that the seal member is in contact with a gas diffusion layer, as recited by amended claim 1.

The Inoue reference teaches a fuel cell system that has a seal member S1 that is positioned between separator 14 and MEA 18. Seal member S2 is positioned between separator 14 and separator 16. Neither seal member S1 nor seal member S2 contacts gas diffusion layer 24 or 26. See Fig. 2. Indeed, the Inoue reference teaches the prior art system that is shown in Fig. 6 of the present application.

The Rock reference teaches a fuel cell system that has seal members in contact with a membrane of an MEA and a bipolar plate. See Figs. 10-14. For example, seal 108 and seal 105 are in contact with the membrane of MEA 106 and bipolar plate 104 or bipolar plate 110. There is no teaching or suggestion in the Rock reference that the seal would be in contact with a gas diffusion layer. Accordingly, neither the Inoue reference nor the Rock reference teaches or suggests the limitation that the seal member contacts a gas diffusion layer, as recited by amended claim 1.

New Claim

Dependent claim 5 is added to further limit claim 1 by reciting the limitation that the outermost one of the reactant gas flow fields is positioned opposite to another outermost one of the reactant gas flow fields of the second metal separator, while interposing the electrolyte electrode assembly. For this and the reasons set forth above, Applicants respectfully submit that claim 5 also defines over the art of record.

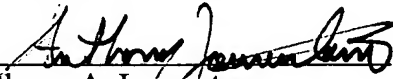
CONCLUSION

In view of the above amendment, Applicants believe the pending application is in condition for allowance.

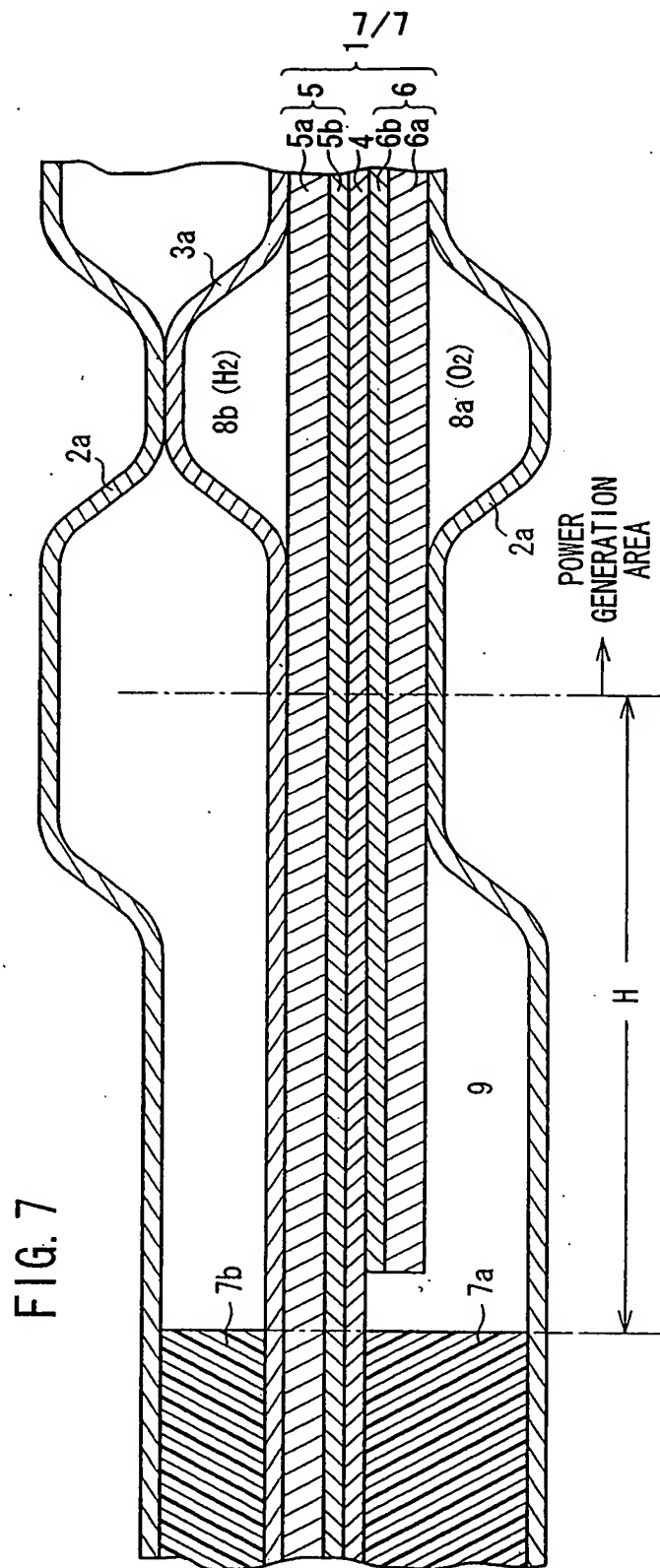
Applicants believe no fee is due with this statement. However, if a fee is due, please charge our Deposit Account No. 12-0080, under Order No. TOW-041 from which the undersigned is authorized to draw.

Dated: October 27, 2006

Respectfully submitted,

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Attachments



Prior Art